

Court of Appeals, Division One

Civil Appeal

1 CA-CV 23-0444

ROBBINS v. EMERALD, et al.

Appellate Case Information

Case Filed: 20-Jul-2023

Case Closed:

Dept/Composition

Side 1. VIVIAN ROBBINS, an individual, Plaintiff/Appellant

(Litigant Group) VIVIAN ROBBINS

- Vivian Robbins

Attorneys for: Plaintiff/Appellant

Dustin Birch, Esq. (AZ Bar No. 35958)

Alexander R Arpad, Esq. (AZ Bar No. 21660)

Side 2. EMERALD SPRINGS ASSISTED LIVING, LLC, a foreign Limited Liability Company, doing business in Yuma County, Arizona; THE GOODMAN GROUP MN, LLC, a foreign Limited Liability Company, doing business in Yuma County, Arizona, Defendant/Appellee

(Litigant Group) EMERALD SPRINGS ASSISTED LIVING, LLC, et al.

- Emerald Springs Assisted Living LLC

- The Goodman Group MN LLC

Attorneys for: Defendants/Appellees

David S Cohen, Esq. (AZ Bar No. 16888)

Anne E Holmgren, Esq. (AZ Bar No. 33042)

Arcangelo S Cella, Esq. (AZ Bar No. 37176)

CASE STATUS

Mar 19, 2024....At Issue

PREDECESSOR CASE(S)	Cause/Charge/Class	Judgment/Sentence	Judge, Role <Comments>	Trial	Dispo
YUM S1400CV202200206	Negligence		Lawrence C Kenworthy, Authoring Judge of Order		

OPEN DUE DATE

Additional Record Due

Due By:

Monday, April 15, 2024

Re: FILED: Memorandum – to Clerk of Superior Court Re: any additional record not already transmitted due within 10 days

PENDING MATTER

Div 1 Request for Oral Argument

Filed: 19-Mar-2024

Request for Oral Argument (Appellant)

CASE DECISION

17-Nov-2023 ORDER

ORDERED: Dismissing this appeal. [Appeal reinstated per order filed 12/20/2023]

Filed: 17-Nov-2023

Mandate:

Decision Disposition

Dismissed

Melina Brill.....Author

26 PROCEEDING ENTRIES

1. 3-Jul-2023 FILED: Notice of Filing of Appeal (Courtesy Copy)
2. 20-Jul-2023 FILED: Index of Record, Notice of Appeal from Yuma County Superior Court filed 06/22/23
3. 20-Jul-2023 FILED: e-Record on Appeal:
Instruments/Minute Entries
Exhibits: Hearing Date 8/29/22 1, 2, 2A
4. 20-Jul-2023 FILED: Appellate Clerk Notice re: Appellant's Fee/Case Management Statement/Brief Due
5. 24-Jul-2023 FILED: Appellant's Notice of Payment of Filing Fee; Certificate of Service (Appellant)
6. 26-Jul-2023 FILED: Notice of Payment of Filing Fee; Certificate of Service (Appellee)

Court of Appeals, Division One**Civil Appeal****1 CA-CV 23-0444****ROBBINS v. EMERALD, et al.****26 PROCEEDING ENTRIES**

7.	27-Jul-2023	RECEIPT No.: 2023-00690 ; \$280.00, Authorization: 08009303251, Applied to: VIVIAN ROBBINS - Class A Filing Fee (\$280.00) Paid for: Clear Counsel Law Group - By nCourt LLC
8.	31-Jul-2023	RECEIPT No.: 2023-00701 ; \$140.00, Authorization: 12007414709, Applied to: EMERALD SPRINGS ASSISTED LIVING, LLC, et al. - Class B Filing Fee (\$140.00) Paid for: Jones Skelton & Hochuli PLC - By nCourt LLC
9.	31-Jul-2023	FILED: Appellate Clerk Notice re: Appellee's Fee; Appellant's Brief/Case Management Statement Due
10.	9-Aug-2023	FILED: Case Management Statement (Appellant)
11.	15-Sep-2023	FILED: Motion for Determination of Jurisdiction; Certificate of Service (Appellant)
12.	15-Sep-2023	ORDERED: Vacating the 09/18/2023 due date for the opening brief. The order ruling on the pending motion will set a due date to file the opening brief, if the court determines it has jurisdiction over this appeal. Melina Brill ProTem Judge - Author
13.	25-Sep-2023	FILED: Defendants/Appellees' Response to Motion for Determination of Jurisdiction; Certificate of Service (Appellees)
14.	5-Oct-2023	ORDERED: Motion for Determination of Jurisdiction (Appellant) = GRANTED. FURTHER ORDERED: The opening brief is due by 11/06/2023. If the opening brief is not timely filed, the court will dismiss this appeal. Hon David B Gass - Author
15.	17-Nov-2023	ORDERED: Dismissing this appeal. Melina Brill ProTem Judge - Author
16.	1-Dec-2023	FILED: Plaintiff/Appellant's Motion for Reconsideration; Motion for Reconsideration Notice of Compliance; Certificate of Service (Appellant)
17.	4-Dec-2023	ORDERED: Requesting that appellees file a response to the motion (motion for reconsideration) by 12/18/2023. FURTHER ORDERED: Appellant may file a reply in accordance with ARCAP 6(a)(2). The court will rule on the motion following expiration of the time for a response and reply. Melina Brill ProTem Judge - Author
18.	13-Dec-2023	FILED: Defendants/Appellees' Response to Motion for Reconsideration; Order Re: Response; Certificate of Service (Appellees)
19.	18-Dec-2023	FILED: Plaintiff/Appellant's Reply to Response Filed by Appellees/Defendants Emerald Springs Assisted Living, LLC; Emerald Springs of Yuma, LLC; and the Goodman Group MN, LLC; Certificate of Service; Plaintiff/Appellant's Reply to Response Filed by Appellees/Defendants Emerald Springs Assisted Living, LLC; Emerald Springs of Yuma, LLC; and the Goodman Group MN, LLC (Certificate of Compliance) (Appellant)
20.	20-Dec-2023	ORDERED: Plaintiff/Appellant's Motion for Reconsideration (Appellant) = GRANTED as to the dismissal order, and reinstating this appeal. FURTHER ORDERED: Denying appellant's request for the court to reconsider its 10/05/2023 ruling on appellant's motion for determination of jurisdiction. FURTHER ORDERED: The opening brief is due by 01/19/2024. If the opening brief is not timely filed, the court will dismiss this appeal. FURTHER ORDERED: Denying appellees' request for sanctions without prejudice to appellees requesting sanctions in the answering brief. Hon David B Gass - Author
21.	29-Dec-2023	FILED: Notice of Appearance; Certificate of Service to Notice of Appearance (Appellant)
22.	19-Jan-2024	FILED: Opening Brief; Certificate of Compliance to Opening Brief; Certificate of Service to Opening Brief; Copy of Memorandum Decision filed 05/31/2022 re: case 1 CA-CV 21-0496 (Appellant)
23.	28-Feb-2024	FILED: Answering Brief of Nominal Defendant/Appellee Emerald Springs Assisted Living, LLC; Certificate of Compliance; Certificate of Service (Appellee)
24.	19-Mar-2024	FILED: Request for Oral Argument; Certificate of Service to Request for Oral Argument (Appellant)
25.	19-Mar-2024	FILED: Reply Brief; Certificate of Compliance to Reply Brief; Certificate of Service to Reply Brief (Appellant)
26.	5-Apr-2024	FILED: Memorandum – to Clerk of Superior Court Re: any additional record not already transmitted due within 10 days